

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CECILE A. BROWN,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. C21-0246-JCC

ORDER

This matter comes before the Court on referral from the Ninth Circuit Court of Appeals, which requests that the Court determine whether Ms. Brown’s appeal is frivolous or was taken in bad faith. (Dkt. No. 60.) “[A]n appeal on a matter of law is frivolous where ‘[none] of the legal points [are] arguable on their merits.’” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). An appeal is also frivolous if the “factual contentions are clearly baseless.” *Id.* at 327. “[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

Having considered the record and the basis for Ms. Brown’s appeal, the Court concludes that the appeal is legally and factually frivolous. First, it is well-established that the Court lacks jurisdiction to hear veterans’ claims for benefits. *See Veterans for Common Sense v. Shinseki*, 678 F.3d 1013, 1020 (9th Cir. 2012). Second, Ms. Brown’s claim that President Biden personally

1 intervened in her case to illegally deny her veterans benefits as a means of “overturn[ing]
2 everything Trump approved of as President” and getting “revenge on Trump” is frivolous. *See*
3 Motion to Hear Case with Other Case at 1, *Brown v. United States*, No. 21-35383, Dkt. No. 8-1
4 (9th Cir. May 24, 2021).

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6 DATED this 9th day of June 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE